

EXHIBIT B

No. 23A02191**STATE COURT OF DEKALB COUNTY
GEORGIA, DEKALB COUNTY****Date Summons Issued and E-Filed****SUMMONS**05/17/2023/s/ Kelly JohnsonDeputy ClerkDeposit Paid \$ KELEIGH OXENDINEPlaintiff's name and address**[] JURY****vs.**JAMES WILDENBURG1321 Dover Circle, Brookhaven, Georgia 30319Defendant's name and address**TO THE ABOVE-NAMED DEFENDANT:**

You are hereby summoned and required to file with the Clerk of State Court, Suite 230, 2nd Floor, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Georgia 30030 and serve upon the plaintiff's attorney, to wit:

PETER A. LAW

Name 563 SPRING STREET, NW, ATLANTA, GA 30308

Address (404) 814-3700 439655

Phone Number Georgia Bar No.

an **ANSWER** to the complaint which is herewith served upon you, within thirty (30) days after service upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Defendant's AttorneyThird Party AttorneyAddressAddressPhone No. Georgia Bar No.Phone No. Georgia Bar No.**TYPE OF SUIT**

- ☒ Personal Injury ☐ Products Liability
☐ Contract ☐ Medical Malpractice
☐ Legal Malpractice ☐ Product Liability
☐ Other

Principal \$ Interest \$ Atty Fees \$ **To indicate consent to e-service check the box below**

☒ (Plaintiff consents to e-service pursuant to OCGA 9-11-5 (f). The email address for service appears in the complaint.

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

KELEIGH OXENDINE,

Plaintiff,

v.

JAMES WILDENBURG,

Defendant.

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23A02191

CIVIL ACTION NO. _____

COMPLAINT

COMES NOW Plaintiff in the above-styled action and hereby files her Complaint as follows:

1.

Defendant James Wildenburg is a resident of the State of Georgia and may be served at his personal residence located at 1321 Dover Circle, Brookhaven, Georgia 30319.

2.

Defendant Wildenburg has been properly served with process in this action.

3.

Jurisdiction and venue are proper as to Defendant Wildenburg.

4.

On or about August 16, 2022, Plaintiff Keleigh Oxendine was a guest passenger on a 2020 Cobalt A36 boat owned and operated by Defendant James Wildenburg on Lake Lanier in Hall County, Georgia. While operating the 2020 Cobalt A36, Defendant Wildenburg negligently operated and struck a wake at a high rate of speed, causing his boat to lurch violently and throwing Plaintiff into the boat's console with significant force to break her neck in several places. As a

result of Defendant's negligence, Plaintiff suffered serious personal injuries and pain and suffering, including but not limited to several fractured vertebrae in her neck.

5.

At all times mentioned herein, Plaintiff acted with reasonable care under the conditions and circumstances then existing and was completely free of any negligence with regard to the incident at issue.

6.

Defendant's negligence included, but was not limited to one or more of the following: negligently operating a vessel in an unsafe manner (O.C.G.A. § 52-7-17), reckless operation of a vessel (O.C.G.A. § 52-7-12.1), negligently traveling too fast for conditions, negligently failing to maintain his vessel under proper control, negligently failing to keep a proper lookout, negligently traveling at an excessive speed under the circumstances, negligently failing to exercise due care, negligent steering and operation of the boat, and any other acts of negligence that may be proven at trial.

7.

Defendant negligently failed to ensure that all passengers were properly seated before moving his vessel.

8.

Defendant failed to operate his boat with the due care exercised by individuals in like or similar circumstances and operated the boat in a manner showing a disregard for the safety of others, including Plaintiff.

9.

Defendant's actions constituted negligence in operating his boat contrary to the reasonable and safe conditions and circumstances then existing.

10.

Defendant's actions constituted negligence by engaging in a driving manner which was ill-timed and improper, causing danger, injuries, damages, losses, physical pain, and emotional distress to Plaintiff.

11.

Defendant was negligent in failing to take appropriate precautionary measures and procedures to prevent injuries to others, including Plaintiff.

12.

Defendant's negligence and violation of Georgia boating laws constituted negligence *per se* and negligence as a matter of law, pursuant to O.C.G.A. § 52-7-17, O.C.G.A. § 52-7-12.1, and O.C.G.A. § 51-1-22.

13.

As the owner and operator of the boat at the time in question, Defendant is strictly liable to Plaintiff, an innocent passenger.

14.

Defendant was negligent for all other acts of negligence as may be shown at trial.

15.

As a direct and proximate consequence of Defendant's negligence and wrongful acts and omissions, Plaintiff sustained serious and ongoing physical, mental, and emotional injuries, and have experienced continuing pain and suffering. Defendant's acts were a cause-in-fact and a

proximate cause of such injuries, pain, and suffering to Plaintiff. But for said negligence, Plaintiff would not have suffered serious injuries, physical pain, mental and psychological suffering, and other injuries to be proven at the trial of this matter.

16.

As a result of Defendant's negligence, Plaintiff is entitled to recover for Plaintiff's injuries sustained, pain and suffering, the expenses of treatment, the costs of future care and treatment, and all other elements of damages as allowed under the laws of the State of Georgia, including all special, compensatory, incidental, consequential, economic and punitive damages. Plaintiff states her intention to seek all compensatory, special, economic, consequential, general, punitive, and all other damages permissible under Georgia Law, including, but not limited to:

- a) Personal injuries;
- b) Past, present, and future pain and suffering;
- c) Past, present, and future lost wages and economic damages;
- d) Past, present, and future medical expenses in excess of \$135,000.00;
- e) Disability;
- f) Mental anguish;
- g) Lost ability to labor;
- h) Loss of the capacity for the enjoyment of life;
- i) Incidental expenses;
- l) Permanent injuries;
- k) Consequential damages;
- l) And all other damages allowable to be proven at trial.

17.

The injuries suffered by Plaintiff as described herein are continuing and permanent in nature.

18.

Each of the forgoing acts and omissions constitute an independent act of negligence on the part of Defendant and one or more or all above-stated acts were the proximate causes of the injuries to Plaintiff.

19.

Plaintiff is entitled to an award of punitive damages, without limitation or cap, because the actions of Defendant were willful and wanton and showed an entire want of care, which would raise the presumption of a conscious indifference to consequences. Accordingly, Plaintiff is entitled to recover punitive damages from Defendant in accordance with the enlightened conscience of an impartial jury pursuant to O.C.G.A. § 51-12-5.1.

20.

Because Defendant's actions evidence a species of bad faith, were and are stubbornly litigious, and have caused Plaintiff undue expense, Plaintiff is entitled to recover her necessary expenses of litigation, including an award of reasonable attorneys' fees and expenses required by this action. (O.C.G.A. §§ 13-6-11, 9-11-68 and 9-15-14). Furthermore, Plaintiff is entitled to all expenses of litigation and attorneys' fees pursuant to all other Georgia statutory and common laws.

WHEREFORE, Plaintiff prays for a judgment to be awarded to her and against the Defendant for the following:

- 1) Process issue as provided by law;

- 2) Plaintiff be awarded actual damages in amounts to be shown at trial from Defendant;
- 3) Plaintiff be awarded all general, special, compensatory, economic, punitive and other allowable damages in accordance with the enlightened conscience of an impartial jury from Defendant;
- 4) Plaintiff be awarded a trial by jury; and
- 5) Plaintiff have such other relief as this Court deems just and appropriate under the circumstances.

TRIAL BY JURY IS HEREBY DEMANDED.

This 17th day of May, 2023.

Respectfully submitted,

LAW & MORAN

/s/ Peter A. Law

Peter A. Law

Georgia Bar No. 439655

E. Michael Moran

Georgia Bar No. 521602

Denise D. Hoying

Georgia Bar No. 236494

Attorneys for Plaintiff

563 Spring Street
Atlanta, Ga. 30308
(404) 814-3700

ZDRILICH INJURY LAW, LLC

/s/ Joseph A. Zdrilich

Joseph A. Zdrilich

Georgia Bar No. 569248

Attorneys for Plaintiff

3575 Koger Boulevard, Suite 125
Duluth, Georgia 30096
(770) 931-9604

STATE COURT OF
DEKALB COUNTY, GA.
5/17/2023 2:32 PM
E-FILED
BY: Monica Gay

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

KELEIGH OXENDINE,

Plaintiff,

V.

JAMES WILDENBURG,

Defendant.

CIVIL ACTION NO. 23A02191

NOTICE OF LEAVE OF ABSENCE

COMES NOW Peter A. Law and respectfully notifies the Court and all opposing counsel pursuant to Georgia Uniform Superior Court Rule 16, that he will be on leave and away from the practice of law during the following time periods:

1. **March** – March 6 through March 10, 2023 – reason: vacation;
2. **April** – April 18 through April 21, 2023; April 24 through April 26, 2023 – reason: travel;
3. **May** – May 18 and 19, 2023; May 22 and 23, 2023 – reason: out of town travel;
4. **June** – June 12 through 16, 2023; June 19 and 20, 2023 – reason: family vacation;
5. **July** – July 3 and 5, 2023 – reason: Fourth of July travel.

Plaintiffs submit leave for vacation. All affected Judges and opposing counsel shall have ten (10) days from the date of this Notice to object to it. If no objections are filed, the leave shall be granted without entry of an Order.

This 17th day of May, 2023.

LAW & MORAN

/s/ Peter A. Law
Peter A. Law
Georgia Bar No. 439655

STATE COURT OF
DEKALB COUNTY, GA.
5/17/2023 2:32 PM
E-FILED
BY: Monica Gay

Attorney for Plaintiffs

LAW & MORAN
563 Spring Street, N.W.
Atlanta, Georgia 30308
(404) 814-3700

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

KELEIGH OXENDINE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 23A02191
)	
JAMES WILDENBURG,)	
)	
Defendant.)	

ACKNOWLEDGMENT OF SERVICE OF PROCESS

COMES NOW Defendant James Wildenburg, by and through undersigned counsel, and on this day acknowledges due, proper, and legal service of Plaintiff's Complaint, Summons, Plaintiff's First Requests for Admissions to Defendant, Plaintiff's First Interrogatories to Defendant, Plaintiff's First Requests for Production of Documents to Defendant, and Notice of Leave of Absence in this case on behalf of Defendant Wildenburg in the above-styled action. Defendant Wildenburg hereby waives all defenses with regard to service of process and sufficiency of process.

This 24th day of May, 2023.

SWIFT, CURRIE, MCGHEE & HIERS, LLP

/s/ Pamela Lee
Pamela Lee
Georgia Bar No. 198981
Attorney for Defendant

1420 Peachtree Street, N.E.
Suite 800
Atlanta, Georgia 30309

STATE COURT OF
DEKALB COUNTY, GA.
5/24/2023 4:01 PM
E-FILED
BY: Monique Roberts

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

KELEIGH OXENDINE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 23A02191
)	
JAMES WILDENBURG,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the foregoing *Acknowledgment of Service of Process* with the Clerk of Court using the Odyssey E-file GA which will automatically send email notification of such filing to:

Pamela Lee
Swift, Currie, McGhee & Hiers, LLP
1420 Peachtree Street, N.E., Suite 800
Atlanta, Georgia 30309

This 24th day of May, 2023.

LAW & MORAN

/s/ Denise D. Hoying
Denise D. Hoying
Georgia Bar No. 236494
Attorney for Plaintiffs

563 Spring Street, N.W.
Atlanta, GA 30308
(404) 814-3700

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

KELEIGH OXENDINE,

Plaintiff,

v.

JAMES WILDENBURG,

Defendant.

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CIVIL ACTION NO. 23A02191

**DEFENDANT JAMES WILDENBURG’S ANSWER
AND AFFIRMATIVE DEFENSES TO PLAINTIFF’S COMPLAINT**

COMES NOW JAMES WILDENBURG (hereinafter “Defendant”), Defendant in the above-styled action, and hereby responds to Plaintiff’s Complaint as follows:

FIRST DEFENSE

Defendant alleges that Plaintiff’s damages were the direct and proximate result of the negligence, gross negligence, careless and reckless conduct on the part of Plaintiff and Plaintiff would not have incurred damages if Plaintiff had not been guilty of such negligence, gross negligence, careless and/or recklessness. Accordingly, any recovery for Plaintiff should be barred.

SECOND DEFENSE

To the extent that Plaintiff has complained of wrongful conduct attributable to Defendant, the fault for such conduct lies, in whole or part, with Plaintiff, for which Williams is not responsible. Therefore, Plaintiff’s claims must be dismissed.

THIRD DEFENSE

Plaintiff assumed the risk of injuries by not sitting properly during the operation of the boat.

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DEKALB COUNTY, GA.
6/19/2023 4:38 PM
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BY: Mundy B Jackson

FOURTH DEFENSE

Plaintiff failed to use ordinary care for her own safety.

FIFTH DEFENSE

Plaintiff failed to avoid the consequences of any alleged negligence of Defendant and, therefore, cannot recover.

SIXTH DEFENSE

Plaintiff's claims for punitive damages are unwarranted and unsupported by any construction of the facts of this case. As such, Plaintiff's claims for punitive damages should be dismissed.

SEVENTH DEFENSE

Any award of punitive damages would violate the prohibition against imposition of an excessive fine contained in the Eighth Amendment of the United States Constitution, would further violate the due process clauses of the Fifth and Fourteenth Amendments of the United States Constitution, and violates the associated provisions of the Constitution of the State of Georgia.

EIGHTH DEFENSE

The imposition of punitive damages in this case is improper, as there is an absence of a showing of malicious intent to cause harm to the Plaintiff.

NINTH DEFENSE

An award of punitive or exemplary damages in this action would constitute a violation of Costa's right to due process of law under the Due Process clauses of the Fifth and Fourteenth Amendments to the United States Constitution and under paragraphs 1 and 2 of Article 1 of the Georgia Constitution because Georgia does not have sufficient procedural safeguards to ensure that the jury's discretion in awarding punitive damages was reasonably constrained. Therefore,

any award of punitive damages would be an excessive and arbitrary deprivation of property without due process of law.

TENTH DEFENSE

DeKalb County is an improper venue. Defendant is a Florida citizen and, therefore, the proper venue in this action is the county in which the alleged tort took place, which is Hall County.

ELEVENTH DEFENSE

Defendant responds to the numbered paragraphs of Plaintiff's Complaint as follows:

1.

Defendant admits the allegations contained in Paragraph 1 of Plaintiff's Complaint.

2.

Defendant admits the allegations contained in Paragraph 2 of Plaintiff's Complaint.

3.

Defendant admits the allegations contained in Paragraph 3 of Plaintiff's Complaint.

4.

Defendant denies, as stated, the allegations contained in Paragraph 4 of Plaintiff's Complaint. Defendant admits the incident happened generally on the date and location as described, but denies any negligence.

5.

Defendant denies the allegations contained in Paragraph 5 of Plaintiff's Complaint.

6.

Defendant denies the allegations contained in Paragraph 6 of Plaintiff's Complaint.

7.

Defendant denies, as stated, the allegations contained in Paragraph 7 of Plaintiff's Complaint. Defendant admits Plaintiff was not properly seated, but denies any negligence.

8.

Defendant denies the allegations contained in Paragraph 8 of Plaintiff's Complaint

9.

Defendant denies the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10.

Defendant denies the allegations contained in Paragraph 10 of Plaintiff's Complaint.

11.

Defendant denies the allegations contained in Paragraph 11 of Plaintiff's Complaint.

12.

Defendant denies the allegations contained in Paragraph 12 of Plaintiff's Complaint.

13.

Defendant denies the allegations contained in Paragraph 13 of Plaintiff's Complaint.

14.

Defendant denies the allegations contained in Paragraph 14 of Plaintiff's Complaint.

15.

Defendant denies, as stated, the allegations contained in Paragraph 15 of Plaintiff's Complaint.

16.

Defendant denies the allegations contained in Paragraph 16 of Plaintiff's Complaint.

17.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of Plaintiff's Complaint and, therefore, can neither admit nor deny same.

18.

Defendant denies the allegations contained in Paragraph 18 of Plaintiff's Complaint.

19.

Defendant denies the allegations contained in Paragraph 19 of Plaintiff's Complaint.

20.

Defendant denies the allegations contained in Paragraph 20 of Plaintiff's Complaint.

Each and every allegation contained in Plaintiff's Complaint which has not been specifically admitted, denied or otherwise responded to by Defendant, including the "Wherefore" clause and its subsections are hereby denied.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendant prays as follows:

- (a) That he be discharged without liability to Plaintiff;
- (b) That he have a trial by a jury of twelve (12) as to all issues properly triable
by a jury;
- (c) That costs be assessed against Plaintiff; and
- (d) Any such other and further relief as the Court deems just and proper.

This 19th day of June 2023.

(Signature on following page)

Respectfully submitted,

SWIFT, CURRIE, McGHEE & HIERS, LLP

By: /s/ **Pamela Lee**
Pamela Newsom Lee
Georgia Bar No. 198981
Christopher S. Antoci
Georgia State Bar No. 466679
Attorney for Defendant

1420 Peachtree Street, N.E., Suite 800
Atlanta, Georgia 30309
404-874-8800(ph)
404-888-6199 (fax)
Pamela.lee@swiftcurrie.com
christopher.antoci@swiftcurrie.com

STATE COURT OF
DEKALB COUNTY, GA.
6/19/2023 4:38 PM
E-FILED
BY: Mundy Jackson

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing ***Defendant's Answer and Affirmative Defenses to Plaintiff's Complaint*** upon all parties to this matter via electronic E-file service addressed to counsel of record as follows:

Peter A. Law
E. Michael Moran
Denise D. Hoying
Law & Moran
563 Spring Street
Atlanta, Georgia 30308

Joseph A. Zdrilich
Zdrilich Injury Law, LLC
3575 Koger Boulevard, Suite 125
Duluth, Georgia 30096

This 19th day of June 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

By: /s/ Pamela Lee
Pamela Newsom Lee
Georgia Bar No. 198981
Christopher S. Antoci
Georgia State Bar No. 466679
Attorney for Defendant

1420 Peachtree Street, N.E., Suite 800
Atlanta, Georgia 30309
404-874-8800(ph)
404-888-6199 (fax)
Pamela.lee@swiftcurrie.com
christopher.antoci@swiftcurrie.com

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

KELEIGH OXENDINE,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE
v.)	
)	NO. 23A02191
JAMES WILDENBURG,)	
)	
Defendant.)	

DEFENDANT’S MOTION TO TRANSFER VENUE TO
THE STATE COURT OF HALL COUNTY

COMES NOW, JAMES WILDENBURG, Defendant in the above-styled civil action, *appearing specially and without submitting to the jurisdiction and venue of the Court*, and files this, Motion to Transfer Venue to The State Court of Hall County, and shows the Court as follows:

1.

The accident at issue in the above action occurred at Lake Lanier in Hall County, Georgia on or about August 16, 2022.

2.

Plaintiff, Keleigh Oxendine has filed this lawsuit in the State Court of Dekalb County on May 17, 2023.

3.

Pursuant to Plaintiff’s Complaint, the Defendant resides at 1321 Dover Circle, Brookhaven, Georgia 30319. However, the Defendant does not reside at 1321 Dover

STATE COURT OF
DEKALB COUNTY, GA.
6/19/2023 4:38 PM
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BY: Mundy B Jackson

Circle. The Defendant owns the property, but his primary residence is in the State of Florida.

4.

The Defendant resides in St. Petersburg, Florida at 175 1st St. S, Apt. 3203, St. Petersburg FL, 33701-4522. *See* Affidavit of James Wildenburg attached as Exhibit A.

5.

Pursuant to O.C.G.A. § 9-10-93 Venue of Actions, venue in cases over nonresidents shall lie in any county wherein a substantial part of the business was transacted. In addition, O.C.G.A. § 9-10-91 states that a court of this state may exercise personal jurisdiction over any nonresident as to a cause of action arising from any tortious act committed by the defendant in this state.

6.

Therefore, venue is improper in Dekalb County Georgia. The state of Georgia has personal jurisdiction over the Defendant and venue would be proper in Hall County, where the alleged tortious act was committed.

7.

The Defendant respectfully shows the transfer of this case to the State Court of Hall County is appropriate because (1) venue in this Court is improper as to the Defendant and (2) venue is proper in the State Court of Hall County.

WHEREFORE, Defendant JAMES WILDENBURG, respectfully requests that this Court GRANT this Motion and TRANSFER this action to the State Court of Hall County, Georgia.

This 19th day of June 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

By: /s/ *Pamela Lee*
Pamela Newsom Lee
Georgia Bar No. 198981
Christopher S. Antoci
Georgia State Bar No. 466679
Attorney for Defendant

1420 Peachtree Street, N.E., Suite 800
Atlanta, Georgia 30309
404-874-8800(ph)
404-888-6199 (fax)
Pamela.lee@swiftcurrie.com
christopher.antoci@swiftcurrie.com

STATE COURT OF
DEKALB COUNTY, GA.
6/19/2023 4:38 PM
E-FILED
BY: Mundy Jackson

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing *Defendant's Motion to Transfer Venue* upon all parties to this matter via electronic E-file service addressed to counsel of record as follows:

Peter A. Law
E. Michael Moran
Denise D. Hoying
Law & Moran
563 Spring Street
Atlanta, Georgia 30308

Joseph A. Zdrilich
Zdrilich Injury Law, LLC
3575 Koger Boulevard, Suite 125
Duluth, Georgia 30096

This 19th day of June 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

By: /s/ Pamela Lee
Pamela Newsom Lee
Georgia Bar No. 198981
Christopher S. Antoci
Georgia State Bar No. 466679
Attorney for Defendant

1420 Peachtree Street, N.E., Suite 800
Atlanta, Georgia 30309
404-874-8800(ph)
404-888-6199 (fax)
Pamela.lee@swiftcurrie.com
christopher.antoci@swiftcurrie.com

2.

By filing this Affidavit pursuant to a special appearance through counsel, I do not waive any defenses as to service, jurisdiction, or venue. I specifically reserve the right to assert any applicable defenses as to service, jurisdiction, or venue.

3.

I reside at 175 1st St. S Apt. 3203, St. Petersburg, FL 33701-4522, Pinellas County.

4.

I own property at 1321 Dover Circle, Brookhaven, Georgia 30319. However, 1321 Dover Circle was not my primary residence at the time of the filing of the plaintiff's Complaint in the above captioned action on May 17th, 2023.

5.

I am a citizen of the State of Florida, my driver's license is issued by the State of Florida, and my voter registration is in the State of Florida.

FURTHER AFFIANT SAYETH NOT.

This 8 day of JUNE, 2023.


JAMES WILDENBURG

Sworn to and subscribed before me this 8th day of JUNE, 2023.


Notary Public

M SMITH
NOTARY PUBLIC
DeKalb County
State of Georgia
My Comm. Expires Jan. 11, 2026

My commission expires:

JAN 11, 2026



4875-5615-9851, v. 1

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

KELEIGH OXENDINE,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE
v.)	
)	NO. 23A02191
JAMES WILDENBURG,)	
)	
Defendant.)	

**PROPOSED ORDER GRANTING MOTION TO TRANSFER VENUE
TO THE STATE COURT OF HALL COUNTY**

This matter comes before the Court regarding Defendant's Motion to Transfer Venue to the State Court of Hall County. Having considered the Motion, it is hereby ORDERED and ADJUDGED as follows:

1. The Motion is GRANTED;
2. The instant action is TRANSFERRED to the State Court of Hall County, Georgia, where venue as to Defendant is appropriate;
3. The Clerk of Court is ordered to mark this case as "TRANSFERRED" in the records of this Court and to make such transfer of pleadings and other papers to the State Court of Hall County, Georgia as may be necessary, and to deliver a bill of costs to Plaintiff regarding the same; and
4. Pursuant to the requirements of Uniform Superior/State Court Rule 19.1(F), Plaintiff is hereby notified that if all accrued costs of court in this case are not paid by Plaintiff within twenty (20) days of mailing or delivery of the cost bill to Plaintiff, the case

shall automatically stand dismissed without prejudice.

So ORDERED this ____ day of June, 2023.

JUDGE,
THE STATE COURT OF DEKALB COUNTY

Prepared by:

SWIFT, CURRIE, McGHEE & HIERS, LLP

By: /s/ **Pamela Lee**
Pamela Newsom Lee
Georgia Bar No. 198981
Christopher S. Antoci
Georgia State Bar No. 466679
Attorney for Defendant

1420 Peachtree Street, N.E., Suite 800
Atlanta, Georgia 30309
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christopher.antoci@swiftcurrie.com

STATE COURT OF
DEKALB COUNTY, GA.
6/19/2023 4:38 PM
E-FILED
BY: Mundy Jackson

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing ***Defendant's Proposed Order on his Motion to Transfer Venue*** upon all parties to this matter via electronic E-file service addressed to counsel of record as follows:

Peter A. Law
E. Michael Moran
Denise D. Hoying
Law & Moran
563 Spring Street
Atlanta, Georgia 30308

Joseph A. Zdrilich
Zdrilich Injury Law, LLC
3575 Koger Boulevard, Suite 125
Duluth, Georgia 30096

This 19th day of June 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

By: /s/ Pamela Lee
Pamela Newsom Lee
Georgia Bar No. 198981
Christopher S. Antoci
Georgia State Bar No. 466679
Attorney for Defendant

1420 Peachtree Street, N.E., Suite 800
Atlanta, Georgia 30309
404-874-8800(ph)
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Pamela.lee@swiftcurrie.com
christopher.antoci@swiftcurrie.com

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

KELEIGH OXENDINE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 23A02191
)	
JAMES WILDENBURG,)	
)	
Defendant.)	

**PLAINTIFF'S RESPONSE IN OPPOSITION TO
DEFENDANT'S MOTION TO TRANSFER VENUE**

COMES NOW Plaintiff and hereby files this Response to Defendant's Motion to Transfer Venue as follows:

1.

This is a negligent boating case in which Plaintiff suffered serious injuries while riding as a passenger in a boat owned and operated by Defendant. (See generally, Complaint).

2.

Defendant owns a home located at 1321 Dover Circle, Brookhaven, Georgia, 30319, which is located in Dekalb County, Georgia.

3.

Defendant Wildenburg is currently the president/CEO of Savoy at Town Brookhaven Townhome Association, Inc., which is the homeowners' association for his residence located in Dekalb County, Georgia. (Ex. A, Secretary of State Annual Registrations for 2022 and 2023).

4.

Defendant Wildenburg also holds himself out as a Georgia resident on his social media accounts, to include Facebook and LinkedIn. (Ex. B, Defendant Wildenburg's Facebook and LinkedIn profiles).

5.

Defendant's own Motion to Transfer Venue is contradictory on the issue of his residence, first confirming that "[p]ursuant to Plaintiff's Complaint, the Defendant resides at 1321 Dover Circle, Brookhaven, Georgia 30319." (See, Defendant's Motion, ¶ 3). However, the Motion then says: "the Defendant does not reside at 1321 Dover Circle, Brookhaven, Georgia 30319." *Id.*

6.

Finally, Defendant does not disclaim residency in Dekalb County, Georgia in his Affidavit filed in support of his Motion. Rather, he only affirms that Dekalb County, Georgia was not his "primary" residence on May 17, 2023. (See, Affidavit of Wildenburg, ¶ 4). His Affidavit was notarized in Dekalb County, Georgia.

7.

The Georgia Constitution provides that venue is proper "in the county where the defendant resides." Ga. Const. art. VI, § 2, ¶ VI.I. "A person may have several residences which are not necessarily permanent or in the same locale as [his] domicile." *Cooper v. Edwards*, 235 Ga. App. 48, 50 (1998). The facts of this case, at this juncture, show that Defendant Wildenburg

is a resident of Dekalb County, or at the least possibly a dual Florida and Georgia resident¹, and accordingly, venue is proper in both Dekalb County and Hall County.

8.

Because Plaintiff filed this action in Dekalb County, where venue is proper, Defendant's Motion should be denied. *Killearn, Inc. v. S. Structural, Inc.*, 308 Ga. App. 494, 495 (2011). At the very least, Defendant's Motion should be deferred for a period of 90 days so that Plaintiff has an opportunity to conduct discovery as to this issue.

A proposed Order is attached hereto for the Court's consideration.

This 20th day of June, 2023.

Respectfully submitted,

LAW & MORAN

/s/ Denise D. Hoying
Peter A. Law
Georgia Bar No. 439655
E. Michael Moran
Georgia Bar No. 521602
Denise D. Hoying
Georgia Bar No. 236494
Attorneys for Plaintiff

563 Spring Street, N.W.
Atlanta, Georgia 30308
(404) 814-3700

STATE COURT OF
DEKALB COUNTY, GA.
6/20/2023 6:17 PM
E-FILED
BY: Patricia Harris

¹ *See also*, Defendant Wildenburg's internet statement that he "became a part-time Florida resident" in or around December 2021. (Ex. C).

Exhibit A

STATE OF GEORGIA**Secretary of State****Corporations Division****313 West Tower****2 Martin Luther King, Jr. Dr.****Atlanta, Georgia 30334-1530****Annual Registration**

Electronically Filed

Secretary of State

Filing Date: 01/31/2023 14:27:23

BUSINESS INFORMATION

BUSINESS NAME : SAVOY AT TOWN BROOKHAVEN TOWNHOME ASSOCIATION, INC.

CONTROL NUMBER : 12064238

BUSINESS TYPE : Domestic Nonprofit Corporation

ANNUAL REGISTRATION PERIOD : 2023

BUSINESS INFORMATION CURRENTLY ON FILE

PRINCIPAL OFFICE ADDRESS : 1465 Northside Dr. NW, Suite 128, Atlanta, GA, 30318, USA

REGISTERED AGENT NAME : Community Management Associates, Inc.

REGISTERED OFFICE ADDRESS : 1465 NORTHSIDE DR STE 128, NW, ATLANTA, GA, 30318, USA

REGISTERED OFFICE COUNTY : Fulton

OFFICER	TITLE	ADDRESS
James Wildenburg	CEO	1465 NORTHSIDE DRIVE, NW, SUITE 128, ATLANTA, GA, 30318, USA
Michael Jones	Secretary	1465 NORTHSIDE DRIVE, NW, SUITE 128, ATLANTA, GA, 30318, USA
Sean McEvoy	CFO	1465 NORTHSIDE DRIVE, NW, SUITE 128, ATLANTA, GA, 30318, USA

UPDATES TO ABOVE BUSINESS INFORMATION

PRINCIPAL OFFICE ADDRESS : 1465 Northside Dr. NW, Suite 128, Atlanta, GA, 30318, USA

REGISTERED AGENT NAME : Community Management Associates, Inc.

REGISTERED OFFICE ADDRESS : 1465 NORTHSIDE DR STE 128, NW, ATLANTA, GA, 30318, USA

REGISTERED OFFICE COUNTY : Fulton

OFFICER	TITLE	ADDRESS
James Wildenburg	CEO	1465 NORTHSIDE DRIVE, NW, SUITE 128, ATLANTA, GA, 30318, USA
Ashish Garg	CFO	1465 NORTHSIDE DRIVE, NW, SUITE 128, ATLANTA, GA, 30318, USA
Glenn Shear	Secretary	1465 NORTHSIDE DRIVE, NW, SUITE 128, ATLANTA, GA, 30318, USA

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE : Eric J. Henning

AUTHORIZER TITLE : Registered Agent

STATE OF GEORGIA

Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

Annual Registration

Electronically Filed

Secretary of State

Filing Date: 02/24/2022 14:33:44

BUSINESS INFORMATION

BUSINESS NAME : SAVOY AT TOWN BROOKHAVEN TOWNHOME ASSOCIATION, INC.
CONTROL NUMBER : 12064238
BUSINESS TYPE : Domestic Nonprofit Corporation
ANNUAL REGISTRATION PERIOD : 2022

BUSINESS INFORMATION CURRENTLY ON FILE

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REGISTERED OFFICE COUNTY : Fulton

OFFICER	TITLE	ADDRESS
Andy Suss	CEO	1465 NORTHSIDE DRIVE, NW, SUITE 128, ATLANTA, GA, 30318, USA
Michael Jones	Secretary	1465 NORTHSIDE DRIVE, NW, SUITE 128, ATLANTA, GA, 30318, USA
Sean McEvoy	CFO	1465 NORTHSIDE DRIVE, NW, SUITE 128, ATLANTA, GA, 30318, USA

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James Wildenburg	CEO	1465 NORTHSIDE DRIVE, NW, SUITE 128, ATLANTA, GA, 30318, USA
Michael Jones	Secretary	1465 NORTHSIDE DRIVE, NW, SUITE 128, ATLANTA, GA, 30318, USA
Sean McEvoy	CFO	1465 NORTHSIDE DRIVE, NW, SUITE 128, ATLANTA, GA, 30318, USA

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE : Eric J. Henning
AUTHORIZER TITLE : Registered Agent

Exhibit B



James Wildenburg

247 friends

Add Friend



Message



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[Photos](#)

[Videos](#)

[Check-ins](#)

[More](#) ▼



Intro



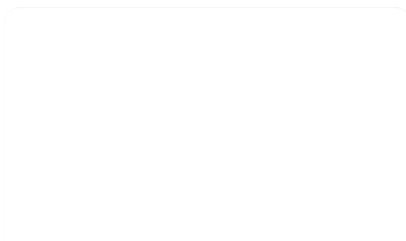
Lives in **Atlanta, Georgia**



From **Washington D.C.**

Photos

[See all photos](#)





Home



My Network



Jobs



Messaging



Notifications



Me ▼



For Business ▼ Post a job

**Jim Wildenburg** · 2nd

Senior Business Executive



The Johns Hopkins University - Carey Business School

Atlanta, Georgia, United States · [Contact info](#)

500+ connections



Katie Perkins is a mutual connection

Connect

[Message](#)[More](#)**Activity**

1,109 followers

Jim hasn't posted yet

Recent posts Jim shares will be displayed here.

[Show all activity →](#)**Experience****Managing Director**

Accenture

Sep 2006 - Nov 2020 · 14 yrs 3 mos

North America Strategy Lead, Communications Media & Technology

**Principal**

A.T. Kearney

May 1994 - Mar 2005 · 10 yrs 11 mos

Operations

Education**The Johns Hopkins University - Carey Business School**

1990 - 1992

**Stetson University**

Bachelor of Business Administration (BBA)

1984 - 1989

Skills**Management Consulting**

Endorsed by Per Segerberg and 7 others who are highly skilled at this



Endorsed by 8 colleagues at Accenture



19 endorsements

Business Transformation

Endorsed by Syed Alam who is highly skilled at this



Endorsed by 5 colleagues at Accenture



11 endorsements

Business Process Improvement

Endorsed by Chris Brousseau and 10 others who are highly skilled at this



Endorsed by 9 colleagues at Accenture



21 endorsements

[Show all 23 skills →](#)**Recommendations****Received**

Given

**Andy W.** · 3rdGlobal Communications & Media Industry Lead @ Accenture Strategist |
Leader | Business Builder

July 17, 2020, Andy worked with Jim on the same team

I have had the pleasure to work with Jim over the past five years at Accenture, and have found him to be an outstanding business leader, consultant, mentor and colleague. Given his background in the Aerospace & Defense Industry, I have been incredibly impressed by how he gr ...see more

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**Kevin O'Leary** · 3rd

Chairman, O'Leary Ventures and Beanstox

3,937,807 followers

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CEO at Randstad, building the world's most equitable and specialized talent company

318,584 followers

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Exhibit C



Home Frosting

5.0 ★★★★★ 52 Reviews

Interior Designers & Decorators

🕒 Responds Quickly

☆ Write a Review

🔗 Share

♡ Save

About Us Projects Business Credentials Reviews Ideabooks

🏆 7x Best of Houzz winner 📰 Published nationally 💎 High-end ⓘ

Expert Interior Design & Home Staging in Tampa | 5x Best of Houzz

Home Frosting is an interior design and decorating company. We make life and homes delicious!

Read More ▾

39 Projects 9 Videos

Living Room Bedroom Dining Room Kitchen Bathroom Family Room Entry
Home Office



Modern Mediterranean luxury



Luxury Mirabay bedroom



📍 Apollo Beach, FL



Apollo Beach spa remodel

Apollo Beach, FL



Penthouse With a View - Heron

Tampa, FL



Beacon Shores Remodel

Tampa, FL



Starfish Retreat

Apollo Beach, FL

Load Next 6 Projects

Business Details

Business Name

Home Frosting

Typical Job Cost

\$50,000 - 300,000

Read More

Phone Number

(813) 250-1730

Followers

36 Followers

+ Follow

Website

homefrosting.com

Socials

Facebook LinkedIn

Address

Tampa, FL 33679

Credentials

7 Houzz Awards

4 Houzz Badges

Show All

Featured Review

NW

Nancy Walker

★★★★★

“ We were amazed at the finished product! Karen's work brought more people by and we sold our house to the first person who looked at it at full asking price.

Read Full Review >

52 Reviews for Home Frosting

Write a Review

Search within reviews

Newest first

★★★★★ 5.0 | 52 reviews

Work Quality	5.0
Communication	5.0
Value	4.9

BM

Barbara Mehmel

★★★★★

I found Karen on Instagram, and I am so glad I did, she was a life saver. She implemented a stress-free plan where we were able to have a 3 bedroom turnkey high-rise condo ready for us to just walk in with our suitcases. We did not have to bring anything other than our clothing and our cars, seriously, I mean

Read More ▾

Helpful (1) | December 11, 2022

MW

Mary W.

★★★★★

If you need help making your new house feel like a home, call Karen immediately! I relocated to a new city and was excited, but also completely overwhelmed. I met with Karen and she carefully and patiently listened as I showed her pictures of the styles I liked and the way I wanted the house to feel. She helped

Read More ▾

Helpful (1) | November 15, 2022

BE

Bobby E.

★★★★★

I had the pleasure of working with Karen and the rest of the Home Frosting team to design my home in the Citrus Park area. They completely transformed the space and gave the right advice at the right time to ensure a successful execution. I would work with them again any time and look forward so getting their

Read More ▾

Helpful (1) | November 7, 2022

LW

Lavetta W

★★★★★

OMG. Karen and the staff are so amazing! I truly enjoyed my experience shopping with them. They basically staged my entire Air BnB. The furniture is so affordable and of great quality. Thank you Team Home Frosting for eliminating one of my biggest stress factors in my new adventure of becoming a bed and breakfast owner.

 **Helpful (1)** | October 31, 2022

BK **Brett K.**
★★★★★

I work with Karen on the set for HGTV and her work is just amazing! The quality and the attention to detail on every project is spot on. As a photographer, it is so easy to go into a home by Home Frosting and take photos because EVERY angle is picture perfect and every room has a story.

 **Helpful (1)** | October 24, 2022

DM **Diana M**
★★★★★

Genius! This is my second experience with Home Frosting. Best investment I have made since buying the property several years back. Thanks a ton, Fab Frosters.

 **Helpful (1)** | October 18, 2022

RP **Robert P**
★★★★★

Karen and her company Home Frosting were recommended to me by my realtor to stage this past year. My town home had an offer and buyer the first weekend! She has subsequently done a great job decorating my new home. Karen is great to work with!

 **Helpful (1)** | October 11, 2022

TM **Terri M**
★★★★★

We recently used Karen and her team to design our home, and they did a terrific job! The whole house needed updating, and they were fast, efficient, and very reliable. Karen and her whole staff were very friendly and hard working. I would recommend Home Frosting!

 **Helpful (1)** | October 4, 2022

AB **Allison B**
★★★★★

Karen and her team responded immediately and made sure the client was their first priority. She was very professional and saw that we were happy! Highly recommend!!!

 **Helpful** | September 28, 2022

CN **Cynthia N**
★★★★★

Karen was incredible to work with. I was amazed at how quickly she mobilized her crews to redesign my home. It has been a pleasure working with Karen and I would highly recommend Home Frosting!!

 **Helpful** | September 20, 2022

AH **Allie Helgemo**
★★★★★

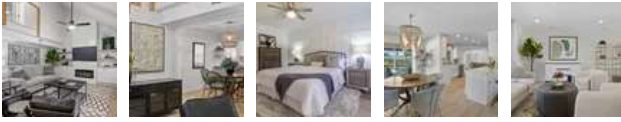
We use Home Frosting to add a very stylized stage to our high end renovation projects! Our renovations were featured on HGTV with Home Frosting's staging. We recommend anyone to the Home Frosting team

Contact Home Frosting

Send Message

 **Video Meeting**

who is looking for a detail oriented, beautiful staged home or designed space.



Helpful | September 19, 2022

H4 HU-478714660
★★★★★

I wanted to update the decor in my home, but didn't want to have to toss everything and start over. I recently bought an online design package from Home Frosting. It was a great way to get expert design help room by room. Karen has a great sensibility for style and design function. She was able to use stuff I
[Read More](#) ✓

Helpful (1) | September 14, 2022 Last modified: September 22, 2022

DM Diana M
★★★★★

My experience with this business was FABULOUS!! The new look was a transformation--a lovely facelift!! Thanks to Karen, I will be a repeat client for this home interior business.

Helpful (1) | September 8, 2022

CL Cali L
★★★★★

Working with Karen and her team was truly a wonderful experience. I was nervous at first and had only considered it until I found Home Frosting online to discover their talent. Not only do they work hard, but they always have smiling faces, and it made the process very smooth. I am emotionally connected to my
[Read More](#) ✓

Helpful (1) | August 19, 2022

MD Mike D
★★★★★

Home Frosting offers a unique style of high-end interior design. There is definitely a difference in Karen's services and it's well worth the investment. A true professional!!!!

Helpful (1) | July 29, 2022

JL Jennie L
★★★★★

Home Frosting is a great Tampa design resource. I highly recommend them. They are creative, dependable and take the stress out of the process. Just check out the results in their before/after photos.

Helpful (1) | July 27, 2022

AU Ami U
★★★★★

Karen and her team are fabulous! I have worked with them for a while and found them to be very accommodating and have great taste.

Helpful (1) | July 20, 2022

Veturia Preston
★★★★★

Karen and her team at Home Frosting did a wonderful job staging our large home which resulted in a very quick sale.

We are thankful for her expertise and can highly recommend her services.

 Helpful (1) | January 2, 2022

 james wildenburg
★★★★★

I have recently become a part-time Florida resident and Karen and her team have been absolutely brilliant to work with. As someone who was managing my move remotely Karen's team was great to work with and I truly was able to put most of the "heavy lifting" with their team with virtually no stress for me. I would also add that not only was the team excellent to work with but I felt they were very affordable and flexible! I would absolutely recommend Home Frosting for staging, interior design, home furnishing and general move-in support. Thanks Karen!

[Read Less](#) ^

 Helpful (1) | December 3, 2021

PM Pattie Meek
★★★★★

Karen has been helping, not only my real estate customers with their interior design and staging needs, but also has recently helped me with the interior design of my brand new condo. I initially thought "I can do this myself" but quickly realized I didn't have the time or the resources! One call to Karen and I knew I


[Read More](#) v

 Helpful | December 2, 2021

H8 HU-844646245
★★★★★

Karen is an incredible interior designer, and her blog is brilliant! Being one of the UK's largest rug suppliers, we are always looking for inspiration when creating our blog posts for UK audiences, and Home Frosting is always one of our biggest sources of inspiration!

[Read More](#) v

 Helpful | November 23, 2021

DL Dave Lawrence
★★★★★

Home Frosting transformed our Key West-style home, outside of Tampa, FL, into an elegant space with a unique, casual beach charm. Karen Post leads a team of diverse and talented professionals who have an amazing sense of style and unmatched craftsmanship. After completing the initial work we had planned in

[Read More](#) v

 Helpful (1) | November 11, 2021

BO bonick89
★★★★★

We used Home Frosting to stage our South Tampa home in May 2021 to sell. The team came in and transformed our home into a perfect show place! The staff was professional, had excellent design expertise and utilized many of our own items, as well as items from their vast inventory to complete the

[Read More](#) v

 Helpful | November 9, 2021

GR Grace
★★★★★

Karen and the Home Frosting team did an OUTSTANDING job for us to furnish our new home! We moved across the country recently and the idea of bringing all of our furniture was overwhelming. We were able to hire Home Frosting to provide all the furnishings and decor.... so instead we moved into an empty house

[Read More](#) ▾

 Helpful | July 20, 2021

H4 HU-413794617
★★★★★

Moving into a new place is stressful, but Karen and the Home Frosting team made it a joy. They recommended the right art, accessories and accents to turn my townhouse into a home I love. I highly recommend them!

 Helpful | June 26, 2021

JS jsiman
★★★★★


Karen and her team are simply amazing. I'd recently bought a new house in a new city and was excited, but also completely overwhelmed. She carefully and patiently listened as I described the styles I liked and the way I wanted the house to feel. She helped me figure out which items & furniture of mine had special

[Read More](#) ▾

 Helpful | March 25, 2021


DW Debra Hoskinson-Weisser
★★★★★

Home Frosting is exceptional. We can't keep our Models on the market. Karen is so professional. We tell her what we are looking for and she exceeds our expectations. We highly recommend her.

 Helpful | November 21, 2020

BL blanche1211
★★★★★

Karen and her team do a wonderful job! Very nice furnishings and accessories. I couldn't be more pleased! Very professional!

 Helpful | November 21, 2020

H4 HU-436617092
★★★★★

Karen did an amazing job Frosting our home! I would recommend her and her staff to anyone who needs their home staged. We had her stage our home for us to enjoy the holidays and Gasparilla before we renovated. She has become a good friend and I would gladly endorse her decorating services!


 Helpful | April 27, 2020

NW Nancy Walker
★★★★★

The thought of putting our house on the market after 23 years was a bit overwhelming. We didn't have the time or the know how to transform our home from nice to magnificent to help get the highest price in the shortest amount of time. Karen and her team did a fantastic audit of our furnishings then complemented

[Read More](#) ▾




 Helpful | January 11, 2020

KE Kathy Winn Ervin
★★★★★

As a real estate professional, I give Karen and her team the highest marks for their excellent staging work for my clients. They have consistently provided superior service to my Sellers. Each time we use their services, the property goes from languishing on the market to under contract within days. The difference is

Read More ▼



 Helpful | September 15, 2019



Comment from Home Frosting:

Thank you! For the opportunity to be on your success team. K

DJ Diane Jacobson
★★★★★

I found working with Karen Post great. She designed two models for me that came out terrific. On budget and beautiful. We have sold 13 of our 17 townhouses in just three months. Also she provided me with fast and efficient service, when we had to move models. I look forward to working with her on our


Read More ▼

 Helpful (1) | June 26, 2019

SC Suzanne Chawk
★★★★★

I saw Karen on a local morning show. She was being interviewed on how to transform your living space into an exciting new look. She presented a few different types of decor and I was so impressed that I reached out to her to help me put the final touches on my home.

Read More ▼

 Helpful (1) | June 10, 2019




Comment from Home Frosting:

Thank you so much. It is always a pleasure to work with wonderful clients!

SH Sheryl Hunter
★★★★★

Karen is both creative and intelligent. She has many years of experience with branding companies as well as interior design. For this reason I engaged her to develop design boards for my new executive suites which have a theme associated with the Statute of Liberty. In a timely manner, she sent me several visual

Read More ▼

 Helpful | November 12, 2018



Comment from Home Frosting:

Thank you! When you work with such a visionary like Sheryl, doing great work is fun and a pleasure!


KH Katherine Heintz
★★★★★

Working with Karen and her staff was a pleasure. They are warm and comfortable and very knowing in the decoration field. I had many compliments on the decor of my house.

 Helpful | November 2, 2017

CJ Cathy Jury
★★★★★

My husband and I reached out to Home Frosting after seeing a house in our neighborhood that they had staged prior to putting it on the market, we were very impressed with their work. Initially we were going to do all the work ourselves, I am so glad that we choose not to. Karen and her team came up with ideas
[Read More](#) ✓

 Helpful | September 6, 2017

RI rickgibner
★★★★★

Could not be happier. What an amazing job! Karen and her team not only did what they said, they exceeded our expectations. They were timely, professional and very affordable. The furnishings are top quality. If you thinking about staging, stop thinking, just do it!

 Helpful | August 12, 2017



Terri White Design
★★★★★

Karen is the consummate professional home stager. Love collaborating with her. Great energy. Positive, can-do attitude. A real problem solver. I look forward to continued professional endeavors.

 Helpful | July 6, 2017

SG Sarah Gibbs
★★★★★

We used Home Frosting and it's ingenious owner Karen to stage our 1930's St Pete, Old NE house. The house was a varied mix of old "vs" new having seen many additions over the years. Karen's vision and passion saw that the house was decorated perfectly and found it's next rightful owner. We cannot
[Read More](#) ✓

 Helpful | June 29, 2017

SC Shiran Clarfield
★★★★★

I am a home staging advocate. Karen and her team staged one of our properties and within a week, we had a cash offer and now it's sold. Staging makes a difference. Home Frosting does great work!!

 Helpful | April 24, 2017

VI Virginia
★★★★★

Karen and her team made the difference. My house had sat on the market vacant for six months. I changed realtors and Rebecca Kelly of Eaton Realty LLC negotiated an amazing plan with Karen. My house then sold in just over 30 days. Staging is an investment in making if you are serious about selling your property.

 Helpful | March 22, 2017

DM Daniel Mocerino
★★★★★

As the movers for Home Frosting, Strong College Students has been able to assist and watch them grow from first opening their doors. They have a passion for the work they do and are a pleasure to work with. Karen has a true talent for designing homes and the artwork they offer is incredible as well. Home
[Read More](#) ✓

 **Helpful** | March 14, 2017

RK Rebecca kelly
★★★★★

Karen and her staff are extremely knowledgeable with respect to design, lighting, materials, fine art, furniture placement, and customer preferences. She went above and beyond to make the space appealing and executive in nature. I highly recommend her staging and design services!

 **Helpful** | January 3, 2017

EC Erin Cassidy
★★★★★

Karen and her team did a fabulous job staging some furniture and accents for our company's 10 year anniversary party. She created a chic lounge that people enjoyed throughout the evening. It was beautiful, comfortable, fresh and fun and I recommend Karen and her team with the highest regard!

 **Helpful** | December 28, 2016

ML M Ryan Homes, LLC
★★★★★

"You can definitely see the difference when Home Frosting stages a property. They install quality and new furniture. It looks great and we've gotten excellent feedback." We will definitely use them again!

Read More 

 **Helpful** | December 1, 2016


SG Stella Giudicelli
★★★★★

As a real estate agent, Karen Post is an asset to my business. She has an expert eye and natural talent for creating the perfect space. She is smart, creative and detailed oriented and it all shows very well in her staging styles. Give Karen a call!

 **Helpful** | September 25, 2016

EH Evanlee Hampel
★★★★★

Karen exceeded expectations with her high class services and attention to detail. Her positive energy and expertise is the best, bar none. The decision to have the "Home Frosting" experience added so much more value to our listing resulting in a very successful home sale. We look forward to the next staging!

 **Helpful (1)** | September 9, 2016

MH Maureen Hegarty
★★★★★

It was a great pleasure to work with Karen Post of Home Frosting. She came to my home for a consultation and quickly and easily understood my style and lifestyle. She had great ideas for my living room update. All was done within budget and on my tight timeframe.

Read More 

 **Helpful** | September 8, 2016 | Last modified: September 10, 2016

RR rramabergander
★★★★★

Karen Post with Home Frosting is a home stager whom I have hired to stage my home for the purpose of marketing my home to be sold. She is very talented, hard-working and thoughtful. She used her beautiful

furniture, artwork and accessories but also incorporated my window treatments, flooring and some existing furniture - resulting in a beautifully presented home.

 **Helpful** | September 7, 2016 Last modified: September 12, 2016

H4 **HU-4046620**
★★★★★

Karen did an amazing job upgrading and staging our condo. As a result, we now earn \$500/mo in additional rent on our 850 sq.ft. condo - an increase of 32%! Now, our annual NOI is \$6K higher which equates to \$100K in increased value at a 6% cap rate. Incredible investment, which I highly recommend to anyone serious about maximizing real estate value.

 **Helpful** | August 4, 2016

SB **Shannon Burnett**
★★★★★

Karen's expertise is so much more than home staging! She is a master at visual persuasion. I absolutely love working with her!

 **Helpful** | August 3, 2016

SB **Steve Bowerfind**
★★★★★

Karen is extremely easy to work with. She is very professional and she does an incredible job staging a home. She can take any space and create it to look amazing! I would highly recommend her.



 **Helpful** | July 29, 2016

7 Ideabooks



Vicki's idea board

4 ideas



Dr P

54 ideas



dr p/sk

1 idea

Mercedes ideas

2 ideas



education

1 idea

Maureen

25 ideas

Load Next 1 Ideabook

6 Comments >

Commented: Love this chandelier, who makes it? *Thank you for the love! That light fixture is made by Hudson Valley Lighting.*

February 18, 2023

Commented: What is the cabinet paint color? *Hi! Those cabinets were made by a custom cabinetry company that creates their own shades of paint colors. However, a similar color would be "White City" by Behr, or "Mink Frost" by...*

February 17, 2023

Commented: Beautiful backsplash! Could you provide the source of the backsplash? *Hi there! Thank you for the love. The center backsplash tile is the Amadora Basma 8x8 Porcelain Tile from TileBar, while the outer areas is the Aged Atlasi Ceramic Tile from Floor & Decor. And th...*

February 17, 2023

Commented: Help...just moved in & dont know what to do w/ Dinning rm & Great rm *It's feasible that you should be able to place your three seat recliner facing the fireplace and then you can add the dining room table in the dining room. We might suggest placing the bench to the ba...*

July 5, 2022 in Home Decorating

Commented: Need help with finishing touches. *It could be nice to move the three-tier shelf to another place and then get a longer, lower console which has adequate storage. We then might suggest adding some plants and a rug in the living area. A...*

July 4, 2022 in Home Decorating

Commented: I need a new rug and chair ideas *You might consider adding a rug with some color and then adding some throw pillows with some color.*

July 2, 2022 in Home Decorating



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IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

KELEIGH OXENDINE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 23A02191
)	
JAMES WILDENBURG,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the foregoing *Plaintiff's Response to Defendant's Motion to Transfer Venue* with the Clerk of Court using the Odyssey E-file GA which will automatically send email notification of such filing to:

Pamela Lee
Swift, Currie, McGhee & Hiers, LLP
1420 Peachtree Street, N.E., Suite 800
Atlanta, Georgia 30309

This 20th day of June, 2023.

LAW & MORAN

/s/ Denise D. Hoying
Peter A. Law
Georgia Bar No. 439655
E. Michael Moran
Georgia Bar No. 521602
Denise D. Hoying
Georgia Bar No. 236494
Attorneys for Plaintiff

563 Spring Street, N.W.
Atlanta, Georgia 30308
(404) 814-3700

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Plaintiff,)	
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)	
JAMES WILDENBURG,)	
)	
Defendant.)	

**PLAINTIFF’S SUPPLEMENTAL RESPONSE IN OPPOSITION TO
DEFENDANT’S MOTION TO TRANSFER VENUE**

COMES NOW Plaintiff and hereby files this Supplemental Response to Defendant’s Motion to Transfer Venue to show the Court that Defendant admitted in his Answer that he “is resident of the State of Georgia and may be served at his personal residence located at 1321 Dover Circle, Brookhaven, Georgia 30319.” (See, Defendant’s Answer, ¶ 1). Defendant also admitted in his Answer that “[j]urisdiction and venue are proper as to Defendant Wildenburg.” (See, Defendant’s Answer, ¶ 3). Pursuant to O.C.G.A. § 24-8-821 and *Georgia-Pac., LLC v. Fields*, 293 Ga. 499, 501 (2013), these admissions in judicio are conclusive of Defendant’s residence in Dekalb County, Georgia and that venue is proper in this Court. For these additional reasons, Defendant’s Motion to Transfer Venue must be denied.

This 20th day of June, 2023.

[signature on following page].

Respectfully submitted,

LAW & MORAN

/s/ Denise D. Hoying

Peter A. Law

Georgia Bar No. 439655

E. Michael Moran

Georgia Bar No. 521602

Denise D. Hoying

Georgia Bar No. 236494

Attorneys for Plaintiff

563 Spring Street, N.W.
Atlanta, Georgia 30308
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This 20th day of June, 2023.

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)	
JAMES WILDENBURG,)	
)	
Defendant.)	

ORDER

Before the Court is Defendant's Motion to Transfer Venue. Having read and considered the Parties' briefs and the record as a whole, Defendant's Motion is DENIED. However, Defendant has a right to renew this Motion at the close of discovery.

SO ORDERED, this _____ day of _____ 2023.

Hon. Wayne M. Purdom
Judge, State Court of Dekalb County